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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,706	06/19/2001	Patrick W. Breslin	12521-009	4055
48276	7590	05/12/2006	EXAMINER	
TIFFANY & BOSCO CAMELBACK ESPLANADE II, THIRD FLOOR 2525 EAST CAMELBACK ROAD PHOENIX, AZ 85016			LUGO, CARLOS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/884,706	Applicant(s) BRESLIN ET AL.	
	Examiner Carlos Lugo	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 30-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,15,16,18,19 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 2-4,6-14,17,20-22 and 26-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's request for reconsideration filed on April 3, 2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1,5,6,15,16,18,19, and 23-25 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,003,614 to Geer et al (Geer) in view of US Pat No 5,066,055 to Saitoh et al (Saitoh)

Regarding claims 1 and 23-25, Geer discloses a latching system base (11') and a closable member (12,13 and 14).

An elongated member (20) is secure to the closable member. The elongated member includes a first connector (19) and a fork member (21) secure to the elongated member.

A latch plate assembly is hingedly secure to the closable member (at 17). The assembly includes a handle (16) and a latch lever (16a) extending from the handle. The latch lever is in mechanical communication with the fork member (21).

However, Geer fails to disclose that the elongated member rotates. Geer discloses that the elongated member (20) is a pivot pin that mounts the connector to the closeable member and allows the connector (19) to rotate.

Saitoh teaches that it is well known in the art of latches to have a connector (12) having an elongated member (14) attached to the body as a one-piece member. The member (14) serves as a mounting member for the connector and also as a pivot for the connector.

It would have been obvious to one having ordinary skill in the art of latches at the time the invention was made to provide the elongated member described by Geer, as a one piece construction with the connector, as taught by Saitoh, since it is considered as a design consideration that will not affect the latch mechanism.

As to claim 5, Geer discloses that the fork member (21) includes a tube (22) having the forks extending therefrom (Figure 4).

As to claim 6, Geer illustrates that the latch lever (16a) includes an engaging member having at least one opposed knob extending therefrom (the end of 16a) and engaging at least one fork of the fork member (Figure 4).

Geer fails to disclose that the handle is made of aluminum. Geer discloses and illustrates that is made of metal. However, aluminum is a well-known material.

It would have been obvious to one having ordinary skill in the art t the time the invention was made to have the handle made of aluminum, in order to use the characteristics of the material in favor of the construction of the handle.

As to claim 16, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

As to claim 18, Geer discloses that the closable member (12,13 and 14) is adapted to engage the base (11').

As to claim 19, Geer discloses that the handle includes a handhold end (44 and 45) and a hinge end (connection of 16 and 16b), wherein the handholds end has a serration defined therein.

Allowable Subject Matter

4. **Claims 2,3,12,26 and 29 are objected** to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. **Claims 4,6-11,13,14,17,20-22,27 and 28 would also be allowed** because the claims depend from claims 2,3,12,26 and 29 respectively.

Response to Arguments

6. Applicant's arguments filed on April 3, 2006 have been fully considered but they are not persuasive.

The applicant argues that it is not obvious and that there is no motivation or suggestion to combine the teachings of Saitoh with the device described by Geer (Page 5 Line 8 and 16).

The applicant is reminded that a conclusion of obviousness may be made from common knowledge and common sense of the person of ordinary skill without any specific hint or suggestion in a particular reference.

Further, the applicant argues that even if there is any motivation to combine the teachings of Saitoh with the device described by Geer, the combination fails to

disclose a rotator clevis secured to an elongated member wherein the elongated member is rotatable (Page 6 Line 11). The argument is not persuasive.

Geer discloses a rotator clevis or fork member (21) secured to an elongated member (20). This elongated member is the pivot point for the connector (19) and also is the mount point for the clevis (21). Geer only fails to disclose id that the elongated member (20) rotates.

Saitoh teaches that it is well known in the art to provide a connector (12) that includes an elongated member (14). The elongated member is capable of serves as a mounting point and also as a pivot location. Because the elongated member is integrated to the connector, it will rotate.

By changing the elongated member (20) described by Geer, with an elongated member integrally connected to the connector, as taught by Saitoh, the elongate member will be capable of rotate and at the same time connects the rotator clevis (21). As establish above, since this modification will not affect the mechanism movement, it would be considered as a design consideration within one having ordinary skill in the art.

Therefore, the argument is not persuasive and the rejection is maintained.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3676

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
Patent Examiner AU 3676
May 5, 2006.


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER